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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

July 2007 Grand Jury '08 CR 2107 W

9	UNITED STATES OF AMERICA,	)	Criminal Case No. _____
10	Plaintiff,	)	<u>I N D I C T M E N T</u>
11	v.	)	Title 21, U.S.C., Secs. 846 and
12	FRANK BERTOLINO III (1),	)	841(a)(1) - Conspiracy to
13	DOMINICK BERTOLINO (2),	)	Distribute Cocaine; Title 21,
14	MICHAEL MASSOOD KACHI (3),	)	U.S.C., Sec. 841(a)(1) -
15	Defendants.	)	Distribution of Cocaine; Title 21,
16		)	U.S.C., Sec. 841(a)(1) -
		)	Possession of Cocaine with Intent
		)	to Distribute; Title 18, U.S.C.,
		)	Sec. 2 - Aiding and Abetting;
		)	Title 21, U.S.C., Sec. 853 -
		)	Criminal Forfeiture

The grand jury charges:

Count 1

Beginning at a date unknown to the grand jury and continuing up to and including May 16, 2008, within the Southern District of California, and elsewhere, defendants FRANK BERTOLINO III, DOMINICK BERTOLINO and MICHAEL MASSOOD KACHI did knowingly and intentionally conspire together and with each other and with other persons known and unknown to the grand jury to distribute, 500 grams and more of cocaine, a Schedule II Controlled Substance, in violation of Title 21, United States Code, Sections 846 and 841(a)(1).

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Count 2

On or about August 24, 2007, within the Southern District of California, defendant FRANK BERTOLINO III did knowingly and intentionally distribute approximately 13.6 grams of cocaine, a Schedule II Controlled Substance; in violation of Title 21, United States Code, Section 841(a)(1).

Count 3

On or about August 29, 2007, within the Southern District of California, defendant FRANK BERTOLINO III did knowingly and intentionally distribute approximately 13.8 grams of cocaine, a Schedule II Controlled Substance; in violation of Title 21, United States Code, Section 841(a)(1).

Count 4

On or about September 7, 2007, within the Southern District of California, defendant FRANK BERTOLINO III did knowingly and intentionally distribute approximately 27.8 grams of cocaine, a Schedule II Controlled Substance; in violation of Title 21, United States Code, Section 841(a)(1).

Count 5

On or about September 12, 2007, within the Southern District of California, defendant FRANK BERTOLINO III did knowingly and intentionally distribute approximately 14.1 grams of cocaine, a Schedule II Controlled Substance; in violation of Title 21, United States Code, Section 841(a)(1).

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Count 6

On or about October 3, 2007, within the Southern District of California, defendant FRANK BERTOLINO III did knowingly and intentionally distribute approximately 28.1 grams of cocaine, a Schedule II Controlled Substance; in violation of Title 21, United States Code, Section 841(a)(1).

Count 7

On or about October 18, 2007, within the Southern District of California, defendants FRANK BERTOLINO III and DOMINICK BERTOLINO did knowingly and intentionally distribute approximately 27.5 grams of cocaine, a Schedule II Controlled Substance; in violation of Title 21, United States Code, Section 841(a)(1) and Title 18, United States Code, Section 2.

Count 8

On or about November 9, 2007, within the Southern District of California, defendant FRANK BERTOLINO III did knowingly and intentionally distribute approximately 55.9 grams of cocaine, a Schedule II Controlled Substance; in violation of Title 21, United States Code, Section 841(a)(1).

Count 9

On or about December 4, 2007, within the Southern District of California, defendant FRANK BERTOLINO III did knowingly and intentionally distribute approximately 83.7 grams of cocaine, a Schedule II Controlled Substance; in violation of Title 21, United States Code, Section 841(a)(1).

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Count 10

On or about January 9, 2008, within the Southern District of California, defendant FRANK BERTOLINO III did knowingly and intentionally distribute approximately 55.2 grams of cocaine, a Schedule II Controlled Substance; in violation of Title 21, United States Code, Section 841(a)(1).

Count 11

On or about February 1, 2008, within the Southern District of California, defendant FRANK BERTOLINO III did knowingly and intentionally distribute approximately 55.7 grams of cocaine, a Schedule II Controlled Substance; in violation of Title 21, United States Code, Section 841(a)(1).

Count 12

On or about April 3, 2008, within the Southern District of California, defendant FRANK BERTOLINO III did knowingly and intentionally distribute approximately 84 grams of cocaine, a Schedule II Controlled Substance; in violation of Title 21, United States Code, Section 841(a)(1).

Count 13

On or about May 15, 2008, within the Southern District of California, defendants FRANK BERTOLINO III, DOMINICK BERTOLINO and MICHAEL MASSOOD KACHI did knowingly possess, with intent to distribute, 500 grams and more of cocaine, to wit: approximately 500.1 grams of cocaine, a Schedule II Controlled Substance; in violation of Title 21, United States Code, Section 841(a)(1) and Title 18, United States Code, Section 2.

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Count 14

On or about May 16, 2008, within the Southern District of California, defendants FRANK BERTOLINO III and DOMINICK BERTOLINO did knowingly and intentionally distribute approximately 27.8 grams of cocaine, a Schedule II Controlled Substance; in violation of Title 21, United States Code, Section 841(a)(1) and Title 18, United States Code, Section 2.

FORFEITURE ALLEGATIONS

1. The allegations contained in Counts 1 through 14 are realleged and by their reference fully incorporated herein for the purpose of alleging forfeiture to the United States of America pursuant to the provisions of Title 21, United States Code, Section 853.

2. As a result of the commission of the felony offenses alleged in this indictment, said violations being punishable by imprisonment for more than one year and pursuant to Title 21, United States Code, Section 853(a)(1), defendants FRANK BERTOLINO III, DOMINICK BERTOLINO and MICHAEL MASOOD KACHI shall, upon conviction, forfeit to the United States all their rights, title and interest in any and all property constituting, or derived from, any proceeds the defendants obtained, directly or indirectly, as the result of the commission of the violations alleged in Counts 1 through 14 of this indictment.

3. As a result of the commission of the felony offenses alleged in Counts 1 through 14 of this indictment, said violations being punishable by imprisonment for more than one year and pursuant to Title 21, United States Code, Section 853(a)(2), defendants FRANK BERTOLINO III, DOMINICK BERTOLINO and MICHAEL MASOOD KACHI shall, upon conviction, forfeit to the United States all their rights, title and

1 interest in any and all property used or intended to be used in any  
2 manner or part to commit and to facilitate the commission of the  
3 violations alleged of Counts 1 through 14 of this indictment.

4 4. If any of the above-described forfeitable property, as a  
5 result of any act or omission of the defendants -

6 (a) cannot be located upon the exercise of due diligence;

7 (b) has been transferred or sold to or deposited with a  
8 third party;

9 (c) has been placed beyond the jurisdiction of the Court;

10 (d) has been substantially diminished in value; or

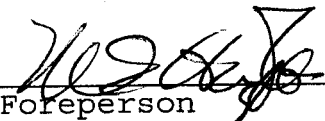
11 (e) has been commingled with other property which cannot  
12 be subdivided without difficulty;

13 it is the intent of the United States, pursuant to Title 21, United  
14 States Code, Section 853(p), to seek forfeiture of any other property  
15 of the defendants up to the value of the said property listed above  
16 as being subject to forfeiture.


17 All in violation of Title 21, United States Code, Sections 841(a)(1)  
18 and 853.

19 DATED: June 24, 2008.

20 A TRUE BILL:

21   
22 Foreperson

23 KAREN P. HEWITT  
24 United States Attorney

25  
26 By:   
27 JOHN E. KRAEMER  
28 Assistant U.S. Attorney